

A Short History
of
The Berners Estate
St. Marylebone

To
CHARLES HUGH BERNERS, Esq., J.P.
KNIGHT OF GRACE
OF THE ORDER OF ST. JOHN OF JERUSALEM
OF WOOLVERSTONE PARK, IPSWICH

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The Berners Estate
St. Marylebone

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The Berners Estate

ST. MARYLEBONE

THE Berners Estate in London—of which the present owner, as tenant for life, is Charles Hugh Berners, Esq., of Woolverstone Park, Ipswich—is situated in the parish of St. Marylebone and comprises about twenty-five acres of land on the north side of Oxford Street. It consists of a roughly rectangular block, running north-westwards from Oxford Street as far as Union Street, and includes the north side of Oxford Street, from and including Perry's Place to the east side of Wells Street, the whole of Berners Street and Newman Street, the east side of Wells Street, both sides of Mortimer Street between Wells Street and Newman Street and of Goodge Street up to

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the parish boundary, the whole of Nassau Street, the south side of Union Street, both sides of Cleveland Street from Goodge Street to Tottenham Street, and a narrow strip running from Union Street to the Marylebone Road, forming the west side of Cleveland Street.¹ Plan No. 1 shows the Estate as it now exists.

Prior to 1546 the Estate formed part of the possessions of the old Leper Hospital of St. Giles, which probably acquired it by private bequest or gift in the reign of Edward I; the rectangular block above referred to being known as Newlands, and the narrow strip as the Lane.

¹ A small portion at the extreme north end of Cleveland Street was recently purchased by the Metropolitan Railway Company, under compulsory powers, in order to improve the ventilation of Portland Road Station. A very narrow slip on the east side of Cleveland Street, north of Tottenham Street, was sold in 1901, and an adjustment of boundaries with the Stables Estate was arranged a few years ago in the rear of Newman Street.

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This hospital was founded in 1101 by Matilda, daughter of Malcolm, King of Scotland, and wife of Henry I, "over against the west suburb of London," as a house for the maintenance of lepers, with an oratory and office, and was called the Hospital of St. Giles without London.

The foundation charter ordained that forty lepers, one chaplain, one clerk, and one messenger or servant were to be provided for in the establishment. It soon became enriched by large donations of land and houses, and owned a great part of the parish of St. Giles, together with houses and tenements in nearly every parish in London. In the twenty-seventh year of Edward III the custody of the hospital was granted to St. Lazarus of Burton, or the hospital of Burton St. Lazar, in Leicestershire. This hospital had been founded for the maintenance of lepers soon after St. Giles' on the summit of a hill near Burton, and St. Giles' became a cell of this hospital. In 1537 Thomas Ratcliffe, Master of Burton and Warden of

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St. Giles, granted to King Henry VIII the greater part of the hospital's property in St. Giles in consideration of receiving in exchange certain properties in Leicestershire. There were excluded from the grant to the king "the Mancyon Place and Capitall House with their appurtenances," and various other messuages and closes, and particularly the close called Newlands and a slip of land called le Lane in the parish of Maribone. Both the Burton Hospital and its cell, St. Giles', were dissolved in 1539, and in 1545 they were bestowed by Henry VIII on John Dudley, knight of the most noble Order of the Garter. This John Dudley was the son of Edmond Dudley, one of the principal ministers of Henry VII, who was executed on Tower Hill in the second year of the reign of Henry VIII, and all his property was confiscated. In the next year an Act of Parliament was passed repealing the attainder of Edmond Dudley, and his possessions were restored to his son John, who, in the thirty-third year of Henry VIII

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was made Viscount Lisle and Lord High Admiral. On the accession of Edward VI he was made Earl of Warwick, and in the next year Duke of Northumberland. He met the same fate as his father, and was executed on Tower Hill on 22nd August 1553. One of his sons, Guilford, married the ill-fated Lady Jane Grey.

In 1547 Henry VIII granted permission to Lord Lisle to sell the St. Giles property—including Newlands and le Lane, which were in Marylebone—to Wymond, afterwards Sir Wymond, Carew, the ancestor of the present Pole-Carews. It is an interesting, and probably very unusual, fact that from, and including, this sale to Wymond Carew we have the originals of all the successive deeds of sale until the property passed into the hands of the Berners family. As frequently happened in those days, Viscount Lisle sold through an attorney, who, however, was not a lawyer, but a family connection, Sir Harry Knyvet.

The deed of sale, dated 2nd July 1546, is a lengthy one, but as it is of considerable archæo-

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logical and historical interest, I give it in full, with the original spelling.

This indenture made the second daye of July in the xxxviiith yere of the Reigne of o^r sovereigne Lorde lorde Henry the eight by the grace of god of Ingland Fraunce and Ireland King defender of the Faith & in erth Sup^rme hed of the Churche of Ingland and Ireland Betwen Sur Harry Knyvet Knight on thon pte and Wymond Carew esquier on thother pte wytnessithe that the said S^r Harry hath graunted bargayned & sold and by theis pnts dothe clerely grante bargayn & sell to the said Wymond Carew his heyres and assignes to thonly use of the said Wymond his heyres and assignes all that mancyon place and Capitall howse of the Late dissolvdyd hospitall of Seynt Gyles in the Felde sett and being in the pishe of Seynt Gyles in the Felde in the Countie of Midd^x and all other howses Edifices byldinges Barnes gardyns Stablis and orteards theronto belonging And one Closse lying before the grett gate of the said Late Hospitall conteynyng by estymacyon Six Acars wth all and singuler ther App^rtenances now or late in the holding or occupacion of Thomas Magnus Clark And one other messuage peell of the Seyte of the said Late hospitall together wth thortyardis and gardens thereonto belonging Lying wthin the said p^rishe of Seynt Gyles aforesaid Late in the teno^r or occupacyon of Doctor Borde And one closure or closse Lying wthin the p^recincte of the said Late hospitall

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comynly callyd the poole close and one other close
 comynly callyd the new Londis conteynnyng by esty-
 macion twenty Acars And one other pecc of grounde
 callid the Lane late in the teno^r or occupacyon of
 George Sutton gentillman And one other close w^t
 thortyardis and gardens thereonto belonging peell of
 the said Syte Late in the teno^r or occupacyon of one
 master Densell and sūtyme in the teno^r of one master
 Wynter lying and being w^tin the said p̄ishe of Seynt
 Gyles whiche said p^rmissis Late wer peell of the posses-
 sions of the Late dissollvyd hospitall of Burton seynt
 Lazar otherwise callid the hospitall of seynt Lazar
 of Burton in the Countie of Leycestre w^t all man^r of
 Evidences dedis clores munymentes and writinges
 cons^rnyng only the premissis or any pt therof whiche
 said p^rmissis the said S^r Harry lately p^rchased to hym
 and his heyres of the Right hon^rable John Dudley
 of the most noble ordre of the garter Knight Vicount
 Lysle and high admyrall of Inglonde as pleyuely
 apperithe by indentures made between the said vicount
 on thon pte and the said S^r Harry on thother pte bering
 date the Fift day of Aprell in the xxxvijth yere of the
 Reigne of o^r said Sovereigne Lord And the said S^r
 Harry dothe Covenānte grānte and promytt For hym-
 selfe his heyres executors And admynistrators to and
 w^t the said Wymonde his heyres executors and
 admynistrators that he the said vicōt Lysle his
 heyres or assignes shall at the Costes and charges in
 the lawe of the said Wymond his heyres executors

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admyñistrators or assignes wthin one month next comyng after the date herof make and convey or cause to be made or conveyed to the said Wymond and his heyres or theyres of the same Wymond and ther heyres a good suer suffycient and Lawffull estate in Fee Symple of and in all and singuler the p^rmissis to thuse of the said Wymond his heyres and assignes as shalbe devysed by the said Wymond his heyres or assignes or his or ther Councell lernyd And that the said p^rmissis at the tyme of the making of the said estate and at all tymes after shalbe dischargyd and acquayted of all incubrances had made or done by the said vicōnt Lysle and the said S^r Harry or eyther of them or by any other psone or psones by the assent consent or procuernent of them the said vicount and Sur Harry or eyther of them Except all & singuler Recognisances & estatutes wherein the said vicounte and Sur Harry or eyther of them stondith or is bounde to any psone or psones soly joyntly or sev^rally And except the title of dower of Dame Jane the wyffe of the said vicount Lysle of whiche title of Dower and the said Recognisance and estatutes and all & singuler somes of mony therin conteyned the said S^r Harry dothe covenāte grānte and promytt for hymself his heyers & executors to & wth the said Wymond his heyers executors and admyñistrators that the said Vicount his heyers executors admyñistrators or assignes or the said S^r Harry his heyres executors admyñistrators or assignes shall save harmles the said Wymond his heyers executors

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& assignes & all & singuler the p^rmisses before bargayned and sold gevyn & granted agenst all & ev^ry psonē & psones ther executors & admynistrators to whom the said vicount and sur Harry or eyther of them stonden or be bounde soly Joyntly or sev^rally in any Recognisānce or estatute and Furder that he the said Vicount Lysle his heyres executors admynistrators or assignes or the said Sur Harry his heyres executors admynistrators or assignes or one of them shall before the Fest of the Natyvitic of o^r Lord god next co^rnyng after the date hereof discharge acqyte and exon^rate the p^rmissis and ev^ry pte therof of all form^r Lessis and grauntes For Lyffe Lyves yere yeres or at will or otherwise had or made sithe the tyme that Thomas Legh Late Master of the said Late hospitall was first master therof or elles shall before the said Fest of the Natyvilie of o^r Lord god cause all & ev^ry psonē & psones that hath or have any Lawffull interest estate or terme in the p^rmissis or any pte therof syth the said Thomas Legh was master there to Surrender geve yeld up and assuer or otherwise detarmyn the same thur estates interestes and termis that they or any of them Lawffully have or hathe in or to the p^rmissis or any pte therof And the same p^rmissis and ev^ry pte therof to the said Wymond his heyres or assignes to thonly use of the same Wymond his heyres and assignes then being clerely dischargid of all incūbrances had or made by them or eny of them And allso that the said S^r Harry his heyres or assignes shall before the said Fest

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of the Natyvitie of o^r Lord God next comyng discharge the said Seyte and other the p^rmisses of the Lesse and interest that the said Thomas Magnus Clark had in the same or any pte therof so & in soche wyse that the said Wymond his heyres exe^c or assignes shall from the said Fest of the Natyvite of o^r Lorde have and holde the same Seyte and other the p^rmissis clerely discharged of the said Lesse demyse grānt or interest that the said Magnus had in or to the same or any pte therof And allso that the said Vicount Lysle his heyers or assignes or the said S^r Harry his heyers or assignes or one of them shall before the said Fest of the Natyvite of o^r Lorde god next comyng after the date herof delyv^r or cause to be delyv^d to the said Wymond his heyers or assignes all & singuler Evidences dedis clōres & writings cons^rnyng only the p^rmisses or any pte therof now being in the custody or possession of the said Vicounte & S^r Harry or eyther of them or any other psone or psones by ther delyv^re or the delyv^re of eyther of them and that they or eyther of them may convenyently atteyne and cū by w^towt sute And allso the said S^r Harry dothe covenante grānte & pmytt For hymself his heyers executors & admynistrators to and w^t the said Wymond his heyers executors and admynistrators that he the said Wymond his heyers and assignes after the said Fest of the Natyvitie of o^r Lord god next comyng Shall pesably and quyetly have holde occupie possede & Inioye all & singuler the p^rmissis and take the

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ysues and proffittes therof w^towt any Lawfull Lett
troble evyceion or disturbance of the said vicont
and S^r Harry and ev^ry of them theyers or assignes of
any of them or any other psone or psones having any
Lawfull Form^r right title interest estate or terme
growen or made in or to the p^rmissis or any pt thereof
by the said vicōnt or S^r Harry or syth the said Thomas
Legh was First master there And allso of the said
Lesse or interest that the said Thomas Magnus Lately
had in or to the p^rmissis or any pte thereof or that
the assigne or assignes of the said Thomas Magnus
now hath in or to the same p^rmissis or any pte therof
And allso that the said Vicount his heyers or assignes
or the said S^r Harry his heyers or assignes shall yerly
From hensforth discharge or save harmlesse the said
Wymond his heyers and assignes and the p^rmissis
before bargayned & solde and ev^ry pte therof of & for
all man^r of Rentes tenthis and other yerly chargis
Levyable or demandable owt of for or by reason of
the p^rmissis or any pte therof or any other Londis
tenementes possessions or heriditamēts Late pcell of
the possessions of the said Late dissollvyd hospitall
of Burton seynt Lazar agenst or said sovereigne Lord
the King his heyers & Successors and all & ev^ry other
psone & psones ther heyers & assignes & ev^ry of them
Except only the Rentes services and tenthis only due
for the p^rmissis bargayned & sold by theis indentures
allso whereas the said vicount hath granted by the
said form^r indentures for hymself & his heyers to the

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said S^r Harry his heyers & assignes that when & as often as yt shall happen the said S^r Harry his heyers or assignes to be compelled enforseid drevyn or Juge^d w^towt Frawd or Covyn to pay any man^r of Rentes tenthis or other yerly chargis except before excepted by wey of distres or otherwise Lawffully by the Lawe for the p^rmissis or any pte therof or any other of the Late possessions or hereditamets of the said late dissolvdyd howse or hospitall of Burton seynt Lazar aforesaid to o^r said sovereigne Lorde his heyers or Successors or any other psone or psones That then and so often and from tyme to tyme yt shall be Lawffull to the said S^r Harry his heyers & assignes to distreyn in all & singuler the Londis teneimets & hereditamets of the said Vicount sett lying and beinge in the townis of Burton Lazar Lowesbye Galbye Breshborow Mellton Mowbrye Kyrkeby Bellers in the said Countie of Leycestre or any of them and the Distressis there so takyn to Lede dryve bere carry away Imponde & in pounce to deteyne & keepe untill soche tyme as the said vicount his heyers or assignes shall have fully and holly contentid Satisfyed & paid to the said S^r Harry his heyers or assignes all & singuler soche some & somes of mony as the said S^r Harry his heyers or assignes shall paie for the Rentes or yerly charges of the p^rmisses or any pte therof except before excepted or any other the possessions or hereditamets of the said Late howse or hospitall of Burton seynt Lazar by wey of distresse or otherwyse as aforesaid to or said Sovereigne Lored

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his heyers or Successors or any other pson or psones as aforesaid together wth ther resonable costes charges and expences in that Behalf susteyned & hadd And the said S^r Harry by theis p^rntes dothe clerely give grant & assigne to the said Wymond his heyers & assignes the said distres and all his interest title auctorile & pow^r that he hath in & to the said distres and to distreyn in the said londis of the said Vicount in the said Countie of Leycester for such somes of mony as the said Wymond his heirs and assignees shall be compelled or drevyn to paie as aforesaid for the tenth or Rentes of the premissis except before excepted to o^r said Sovereigne Lorde his heyers or Successors And allso that the said Vicount and the said Lady Jane his wyffe and theyers of the same vicōnt and the said S^r Harry and his heyers & ev^ry of them shall at all & ev^ry tyme & tymes during thre yeres next insuyng the date hereof & from tyme to tyme when and as often as they or any of them shalbe resonably requyred by the said Wymond his heyers executors admynistrators or assignes wthin the said thre yeres next comyng after the date herof make knowlege Suffer and do and cause to be made knowlegid Suffred & don all & ev^ry resonable acte & actes thing & thinges that shalbe resonably devysed or advised by the said Wymond his heyres executors admynistrators or assignes or the^r Councell Lerynd for the more Bettar and perffitt assuerance and suer making to the said Wymond his heyers and assignes of all & singuler the

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p^rmissis before bargaynid solde gevyn and grantid to the said Wymond his heyers and assignes at the costes and charges in the Lawe of the said Wymond his heyers or assignes And allso for the more Better and perfitt assuerance & making suer to the said Wymond and his heyers the interest & title of the said S^r Harry in the said distres in the said Londis & tēts of the said Vicount in the said Countie of Leyecester for soche somes of mony as the said Wymond his heyers or assignes shalbe drevyn to paie to o^r said Sovereigne Lorde his heyers or Successors for the said p^rmissis except before excepted and allso that the said Wymond his heyers and assignes may and shall as Lawffully distreyne in the said Londes & tenenēts of the said vicount in the said Countie of Leyecester for suche somes of mony as the said Wymond his heyers or assignes shalbe inforsid to paie to o^r said Sovereigne Lorde his heyers or Successors as aforesaid for the Rentēs tenthis or other yerly chargis for the p^rmissis before bargayned & solde or any pte therof or any other of the late possessions or hereditamēts of the said late Dissollvyd hospitall of Burton Lazar except before excepted as the said S^r Harry or his heyers may or ar intitl'd to do or distreyne by the said form^r indentures And that the said premissis bargaynid & sold by theis indentures ar & be of the clere yerly value of twenty and Six poundes ov^r and above all yerly chargis and Reprises For all whiche p^rmissis & the Clere p^hchase bargayne & sale of the same & for & in consideracion of all &

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singular the said coven^{ants} grants p^rmisses articles & agreamētes herein conteynid on the behalf of the said S^r Harry his heyers exe^c admynistrators & assignes or any of them to be obs^rvyd p^rformid & kept by them & ev^ry of them well & truly to be obs^rvyd p^rformyd Fullfilled & kepte The said Wymond doth coven^{ant} & grānt to content and paie or cause to be contentid & paid to the said S^r Harry his Exe^c or assignes thre hundred & fower score poundis of Lawfull mony of Inglonde in man^r & forme following that is to saie at the insealing herof too hundred & Fower score poundis of Lawfull mony of Ingland wherof the said S^r Harry knowlegith hymself fully and holly contentid Satisfyed and paid and therof doth clerely acquytte & discharge the said Wymond his heyers exe^c & admynistrators and one other hundred powndis of Lawfull mony of Ingland before the Fest of Seynt Mihell tharchangell next comyng after the date herof in Full payment of the said thre hundred and Fower score powndis for the clere purchase of all & Singular the p^rmissis. In wytnes wherof the pties above named to thes presentes indenturs interchangyably have putt their Seales the daie & yere above wretyn.

(Signed) H. Knyvet.

This is the earliest deed in our possession.

The property remained in the Carew family

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until 1563, when Thomas Carew—son of Sir Wymond—sold the whole to one Francis Downes: the deed of sale is in Latin, and employs very quaint phrascology. It runs thus:—

“To all the faithful in Christ to whom this present writing shall come: Thomas Carew of Antony in the County of Cornwall armiger greeting in the Lord Eternal: know ye that I the said Thomas as much in consideration of 930 marks¹ paid by one Francis Downes of Weston in the County of Suffolk, armiger (as in a certain script obligatory appears) as in performance of a certain bargain sale an Indenture between me the said Thomas on the one part and the said Francis Downes on the other part dated 8th November last purports have handed delivered and enfeofed and by this Charter confirmed to the said Francis Downes all that my Mansion place or capital House late the dissolved hospital of St. Egidius in the Fields and appurtenances situate and being in the parish of St. Egidius in the Fields in the County of Middlesex and all other messuages, &c. &c. to the said late hospital pertaining . . . and also another close called le Newe Lande and another piece of land called le Lane containing by estimation 23 acres more or less with their appurtenances in the parishes of St. Egidius

¹ A mark was 13s. 4d.

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and Maryborn, in the said county of Middlesex now in the tenure and occupation of George Harryson gentleman as also all other my hereditaments whatsoever in the said villes and parishes which premises were lately the possessions of the lately dissolved hospital of St. Egidius in the Fields otherwise called the hospital of Burton St. Lazarus of Burton in the county of Leycester and which descended hereditarily to me the said Thomas Carew after the death of Wymond Carew Knight to have and to hold the said Mansion place or capital House &c. &c. to the said Francis his heirs and assigns for ever and I have ordained my beloved in Christ John Grey and Edward Downes gentlemen to be my lawful attornies to enter on all and singuler the premises &c. for me and take full seizin &c. &c. and give in my name possession and seizin to the aforesaid Francis or his Attorney as fully as if I were personally present In testimony whereof I have appended my seal the first day of Decembar in the fourth year of Elizabeth Queen of England France and Ireland" [1561] Signed by grantor and delivered in the presence of Harry Windham Edmund Donchylle John Grey and others.

The deed is endorsed thus : " State possession and seizen given by the within named John Grey and Edward Downes in the presence of Robert Downes Gentleman John Purifery and

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others." Francis Downes held the property till his death on the 8th July, in the fifth year of Elizabeth (1563), and an Inquisition was taken on the 24th February in the next year, and the Jury found that at the time of his death the said Francis Downes was seized in his demesnes in St. Giles and Maryborn, and that in his last will and testament he bequeathed to his brother, George Downes, and his heirs for ever "all that my pasture lying in the parish of Maryborn in the county of Middlesex, which I late purchased among other lands and tenements of Thomas Carew Esq now in the occupation of George Harryson," and he bequeathed to his brother, Edward Downes, all his property in the parish of St. Giles in the Fields, and the Jury further found that "Robert Downes is his brother and nearest heir": a number of signatures are appended to the Inquisition. On the 10th March, in the sixth year of Elizabeth, Robert Downes confirms the bequests of Francis to his brothers George and Edward.

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On the 9th January in the thirteenth year of Elizabeth, Robert Downes, of Arton, in the county of Suffolk, and George Downes, of Sudbury, in the same county, jointly sell Newlands and the Lane to John Graunge, Citizen and Haberdasher, of London, and Elizabeth his wife, for the sum of £300. This deed was enrolled in Chancery on the 12th January in the same year. (I have ascertained that John Graunge was admitted to the freedom of the Haberdashers' Company on the 30th July 1550, after serving his apprenticeship to one Thomas Saunders.)

In 1610 John Graunge, son of the above-mentioned John Graunge, seems to have been in pecuniary difficulties, and in consideration of certain sums of money paid him by Robert Lloyd, of London, gentleman, he assigns to him all his property in Marylebone, including Newlands and the Lane. This deed is dated 22nd February 1610-11.

On the 1st May 1681 John Lloyd, son of Robert, sells to James Ingram, of London,

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Esquire, among other properties, "the Close called Newlands," and the lane which is now called "Wrastling Lane." This deed was enrolled in Chancery on the same day.

On the 20th November 1632 James Ingram sells the property to "John Eaton of St. Marie Strand against Savoy," and on the 27th of the same month, i.e. only one week later, John Eaton sells it again to John Hodges, of High Holborn, in the parish of St. Andrews, for £300, but there is a curious clause in this deed to the effect that if before the 1st day of March next ensuing John Eaton pays to Hodges £305 "at his newe house in Holborn," then the deed of sale to Hodges shall be utterly void and frustrate.

On the 19th July 1637, John Eaton and John Hodges jointly let the property and all the appurtenances for ninety-nine years to Sir Francis Williamson, who was a Sergeant-at-Arms at the Court of Charles I. Subsequently John Eaton released to Williamson all his rights and interest in the premises, and on the 14th

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March 1646 John Hodges also granted over the inheritance in fee to Sir Francis Williamson ; on the day after Holy Trinity, in the same year, Hodges and his wife, in the Court of Common Pleas, before Justices Phesant and Codbold, acknowledged that the said tenements, &c., were the right of the said Francis. Previous to this, on the 1st day of March 1646, Williamson had let the property to Clement Billingsley for ninety-nine years. On the 20th March 1654, Billingsley, with the consent of Williamson, relinquishes to Josias Berners all his interest in the property ; on the 21st March 1654 Williamson bargains and sells it to Josias Berners ; on the 22nd he lets it to him for one year for 5s. paid down and a peppercorn rent, and on the 23rd March he releases the property and sells again to Berners. The lawyers must have had a happy time in those days. The deed of sale of 21st March runs as follows :—

“ This Indenture made the one and twentieth daye of March in the yeare of Our Lord according to the accompt used in England one thousand six hundred

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fiftie and ffower between Sir Francis Williamson of Isleworth in the county of Middlesex Knight of the one part and Josias Berners of the parish of St. James Clerkenwell in the county of Middlesex Esquire of the other part witnesseth that the said Sir ffrancis Williamson for and in consideracon of the sune of nyne hundred and seventie Pounds of lawfull English money to him in hand payed by the said Josias Berners before the sealing and deliverie of these presents the receipt whereof the said Sir ffrancis Williamson doth by these presents acknowledge and thereof and of every part thereof doth acquitt exonerate and discharge the said Josias Berners his heires executors and administrators by these presents hath graunted bargayned souled aliened enfeofed and confirmed and by these presents doth graunt bargayne sell alien enfeoffe and confirm unto the said Josias Berners his heires and assigns all those two messuages or tenements with their appurtenances situate and being in the parish of Mariborn in the County of Middlesex heretofore in the occupacon of Richard Proby or of his assigns and tenant or tenants and nowe or late in the occupacon of George Wells or his tenant or tenants and alsoe all that close piece or parcell of meadowe or pasture ground with thappurtenances called or knowne by the name of Newlands together with a long slipp of grownd called Wrastling Lane thereunto adjoining conteining in the whole by estimacon twenty and ffive acres be they more or lesse lying and being in the Parish of

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Maribone aforesaid in the said County of Middx late in the tenure or occupacon of John Williams Gent and nowe or late in the occupacon of the said George Wells or of his assignee or assignees tenant or tenants and all outhouses barnes stables orchards yards wayes paths passages waters watercourses woods underwoods hedges ditches easements profits comodities advantages emoluments and hereditaments whatsoever to the said messuages or tenements and other the premisses or any or either of them belonging or appurtayning on to or with the same or any or either of them nowe or heretofore used or accepted reputed or taken as part parcell or member thereof and alsoe the revercon and revercons remainder and remainders of the said messuages meadowe or pasture ground and other the premisses and of every part and parcell thereof and alsoe all deeds writings evidences counterparts of leases and receipts and muniments whatsoever touching or concerning the premisses or any part thereof which are nowe in the custody of him the said S^r Francis Williamson or of any other person or persons by his privitie or delivery and which he may lawfully come by without Suite in Lawe together with true copies of all other deeds and evidences which concerne the premisses together with any other lands tenements or hereditaments to be made and written out at the costs and charges of the said Josias Berners his heires or assigns to have and to holde the said two messuages or tenements and close or parcell of meadowe or pasture

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ground and the said long slippe called Wrastling Lane and othere the premissis and every part and parcell thereof with theire and every of theire appurtenances and the reverçon and reverçons thereof and of every part thereof unto the said Josias Berners his heires and assignes for ever to and for the only proper use and behooffe of him the said Josias Berners and of his heires and assignes for ever and the said S^r ffrancis Williamson doth by these presents graunt for him and his heires that he the said S^r ffrancis Williamson and his heires the said messuages or tenements and the said meadowe or pasture grownd and other the premisses and every part and parcell thereof with thappurtenance against him the said S^r ffrancis Williamson and his heiris and alsoe against all and every pson and p^{so}ns nowe having or lawfully clayming or which shall or may hereafter have or lawfully clayme any estate right tytle or interest of into or out of the said messuages or tenements and the said Meadowe or pasture grownd and other the premisses or any of them or any part of them or any of them from by or under the said S^r ffrancis Williamson or by from or under John Eaton late of the parish of Mary Savoy in the Strand in the said County of Middx Scrivener deceased and John Hodges Gent. decead or by from or under them or any of them shall and will warrant acquitt and for ever defende by these presents In witness whereof the said parties have hereunto interchangeably putt their hands and seales the daye and yeare first above written."

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This deed is signed by Francis Williamson in the presence of Thomas Pearson, Robert Gander, Edward Barrington, William Aubrey and Clement Billingsley. It is endorsed "Enrolled in Chancery the tenth day of Aprill in the yeare of our Lord one thousand six hundred fifty and five by Humfrey Jaggard." There is also an endorsement to this effect "the seaven and twentieth day of March one thousand six hundred ffifty and ffive Liverie and seizin of the messuages and lande within mentioned was delivered and given by the within named S^r ffrancis Williamson in his own person to the within named Josias Berners to hold to him the said Josias Berners and his heirs according to the purport effect and true meaning of this present deed in the presence of" the same persons who witnessed the deed.

Notwithstanding all these leases, releases, sales and bargains, the parties seem to have thought it necessary to get a Court of Law title to the property, and a friendly action was brought by Josias Berners, plaintiff,

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against Francis Williamson and his wife, "deforciant,"¹ and the order of the Court is extant and runs as follows:—

"This is the final agreement made in the Court of the Common Bench at Westminster from Easter Daye in fifteen dayes² in the yeare of our Lord one thousand six hundred fifty and five before Oliver St. John Edward Allyne Matthew Hale and Hugh Wyndham Justices and others then and there present between Josias Berners Esquire pl^b and Francis Williamson Knight and Martha his wife deforciant of two messuages two cottages two gardens and twenty-eight acres of land with the appurtenances in Maribone whereupon a plea of covenant was summoned between them in the said Court that is to say that the aforesaid Francis and Martha have acknowledged the aforesaid tenements with the appurtenances to be the right of him the said Josias as those which the said Josias hath of the gift of the aforesaid Francis and Martha and those they have remised and quit-claymed from them the said Francis and Martha and their heires to the aforesaid Josias and his heires for ever and moreover the said Francis and Martha have granted

¹ A deforciant was a person who endeavoured to keep another out of his lawful property.

² I.e. on the 30th April.

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for them and the heires of the said ffancis that they will warrant to the aforesaid Josias and his heires the aforesaid tenements and the appurtenances against them the said ffancis and Martha and the heires of the said ffancis and against all others clayming by the aforesaid ffancis John Eaton Scrivener deceased and John Hodges gentleman deceased or any of them for ever and for this acknowledgment remise quit claime warranty fyne and agreement the said Josias hath given to the aforesaid ffancis & Martha Forty and one Poundes sterlinge."

After all this Josias seems to have peaceably enjoyed the property. Plan No. 2 shows the Estate as it then was.

It may be interesting to look at the surroundings of the estate when Josias Berners purchased it in 1654. The Estate itself was simply a country farm, the fields running right up to Oxford Street, then called Tyburn Road, which formed part of the great Roman east to west road, called the Via Trinovantica. It was in the occupation of George Wells, who gave his name to Wells Lane, which at that time was a narrow occupation road

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leading up to a block of fields. What is now Oxford Street was a lonely country road, bordered by fields, full of sloughs and ruts, with no houses fronting it and only an occasional low-class public-house a little way back from the road, the resort of footpads and all sorts of bad characters. The remains of the earthen barricades which had been thrown up across the road during the Civil War could still be seen. West of what is now Oxford Circus the road sloped steeply down to a wooden bridge, only 15 feet wide, over the brawling Ty-bourne, and close to the bridge on the north side were the stocks, the pound for strayed cattle and the Lord Mayor's Banqueting House, which stood back from the road in an enclosed field. Here were several conduit heads, under the control of the City Corporation, as the water supply for the City largely came from the Tyburn springs until the completion of the New River. Beyond the Banqueting House the road sloped upwards to the corner of the Edgware Road, which was part of the

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great Roman north to south road, called Watling Street. At the junction of these two roads—close to where the Marble Arch now stands—was Tyburn Tree, where so many executions took place that a hundred years later Dr. Johnson wrote—

“Scarce can our fields—such crowds at Tyburn die—
Hemp for the gallows and the fleet supply.”

Marylebone was a small village clustered round the church higher up the stream, the only approach to it being by the winding Marylebone Lane—which still exists and marks the meanderings of the old brook—from Tyburn Road, and by a couple of footpaths across the fields, one starting from near the north end of Tottenham Court Road, and the other from what is now Perry's Place in Oxford Street, running obliquely across the Berners Estate.¹ The old church, which had been originally erected in King John's reign close to the Tyburn Road, had been pulled down in

¹ See plan No. 2.

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1410 because of its lonely position, which led to the vestments, plate, etc., being constantly stolen, and the new church then built in the village—close to where the existing parish church now is—was already in a ruinous condition.

Highwaymen frequented the Tyburn Road till a much later period, and Marylebone Fields—which occupied the area between the high-road and the village—were the scene of constant robberies and murders. At the north end of the “long slipp” referred to in the old deeds lay Marylebone Park, which was for many years a public hunting ground. Stow tells us that in 1562 the Lord Mayor and Aldermen, after inspecting the conduits, hunted the hare before dinner, and after dinner went to hunting the fox, and the hounds killed him close to St. Giles’ Church. We also read that on 3rd February 1600–1 “the ambassadours from the Emperor of Russia and other the Muscovites rode through the Cittie of London to Marybone Park, and there hunted at their

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pleasure, and afterwards returned homeward." Henry VIII closed the Park to the public and made it the royal hunting grounds, and so it remained till the time of the Protectorate. Subsequently the park was let out in farms until 1811, when the last Crown lease expired and Regent's Park was formed. On its confines—on the site of what is now Devonshire Mews—stood the old Tyburn Manor House, a royal palace erected by Henry and frequently occupied as a residence by the queens Elizabeth and Mary. This afterwards became a high-class boys' school.

Such were the estate and its surroundings in 1654, and whatever dim vision Josias Berners or his immediate successors, who strictly entailed the property, may have had of its future increase in value, it is certain that the actual result must have far exceeded their wildest dreams, the annual rental of one shop in Oxford Street being now considerably more than the sum paid for the freehold of the whole Estate.

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Josias Berners was the son of William Berners, of London, "silkman," and is described as of the parish of Clerkenwell. Among the registers of St. James, Clerkenwell, I have found the entry of the burial of an infant son of Josias named Thomas, on 1st March 1653, and the christening of another son Thomas on 19th November 1653. Josias' wife's Christian name was Abigail, and he or his wife must have had some connection with the parish of Welwyn in Hertfordshire, as by his will he left to the Churchwardens £5 a year towards the binding out of poor children as apprentices to some manufacturing trade.

Josias' eldest son was James Berners, and among the Harleian manuscripts is the marriage licence, dated 12th November 1677, of this James with "Mistress Mary Robinson with her father's consent." James Berners is described as of Wormley, Herts, but he subsequently moved to Moore's Place, Much Hadham, Herts, as among the registers of this parish is the record of his burial on 2nd March 1691-2.

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He was succeeded by his son William, who married in 1705 Elizabeth Raworth, daughter of Robert Raworth, of London, merchant. This William Berners was buried at Much Hadham on 23rd June 1712, and left as issue a son Robert, who died a minor in 1723, and a son William, who inherited the property after Robert's death. A third son, Henry, was born after his father's death.

The second William, still described as of Moore's Place, Much Hadham, married in 1732 Mary Bendish, daughter of Henry Bendish, of Bedford Row, a descendant of Oliver Cromwell. The previously named James Berners had sold to the New River Company, in 1685, two acres of land with a house and pond and a bowling-green. Unfortunately there was a destructive fire in the offices of the New River Company in 1769, and I am unable to identify this piece of land, but in 1739 the Company sold it back to William Berners, and it was he who first began developing the Estate. In 1732 William Berners let to

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Thomas Huddle, of the parish of St. Marylebone, gardener, the twelve-acre field and the lane called Wrastling Lane for thirty-one years at the annual rent of £109 for the first thirteen years and £39 for the residue. Huddle appears to have put up fences and ditches, which were pulled down by one Daggit and others, this action on their part leading to a lawsuit, in which Daggit pleads "that Charles II in 1666 was possessed of some tenements and parcels of ground known as Marybone Park, and that he had a right of way over the field and lane leased to Huddle, and that Daggit was the direct successor in title to the said land and tenements, and therefore he had a perfect right to knock down any impediments that prevented his access to the said lands." There is no record of the result of the action, but I presume Huddle won it.

On 21st May 1738, William Berners let for ninety-nine years to Thomas Huddle the whole frontage of 655 feet to Oxford Street and 100 feet in depth (with the exception of the

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width required for two proposed new streets—which would be the present Berners and Newman Streets—and a widening of Wells Lane) at a total rent of 4s. per foot per annum. Huddle was to pull down all old buildings and to erect new ones, and Berners was to construct a sewer from Wells Lane to Rathbone Place. Huddle began to build the houses in Oxford Street at once, and apportioned their rents, the first lease for ninety-nine years being granted in 1739. The total annual rent received by the Estate for the Oxford Street houses was £135 8s. until the last of the old leases fell in in 1838. The sewer referred to still runs under some of the houses in Berners Street and Wells Street, but it is now disused. Between 1750 and 1763 the existing streets on the Estate were laid out: the first lease granted in Newman Street is dated 1750, in Charles Street, now called Mortimer Street, in 1759, in Castle Street and Wells Street in 1760, in Berners Street in 1763, and in Suffolk Street, now called Nassau Street, in 1764.

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Building must have gone on rapidly, for in 1773 there were existing sixty completed houses in Berners Street, twenty-three in Castle Street, thirty-five in Mortimer Street, exclusive of the Middlesex Hospital, ninety in Newman Street, and twenty-three in Nassau Street. Many of the houses show strongly the influence of the Brothers Adam, and some of the ceilings, which are very beautiful, were almost certainly from their original designs.

A lease for 999 years was granted to the Middlesex Hospital in 1754.

The heir of this William Berners was Charles Berners, who is described as of Woolverstone Park, Ipswich. He was born in 1740, so that it was somewhere about the middle of the eighteenth century that the Hertfordshire property was given up.

A most pernicious habit existed in those times of granting leases for terms of years, which could be extended perpetually for a further twenty-one years beyond the then existing term, upon giving notice before the

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end of the first twenty-one years and paying a fine. Fortunately in the great majority of cases the requisite notice was sooner or later omitted, but we still have seven of these leases subsisting: e.g. in 1915 we had to grant a lease of No. 21, Berners Street for twenty-one years, from Lady Day, 1993, to Lady Day, 2014, at a rental of £14 a year; and in 1912 leases for Nos. 10, 11, and 12, Newman Street, with extensive warehouse buildings in the rear, had to be granted for ninety-nine years at total rentals of £14: in this case notice has to be given every fourteen years, and the fines payable are £14. The land comprised in these leases was originally let in 1758 as a piece of open ground at this rent. The Estate has unfortunately no control over the buildings erected under these old leases.

For some years after the development of the Estate, while the majority of the streets to the north of Oxford Street contained private houses only, it was a fashionable residential quarter, and a number of distinguished persons

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lived here. I have verified the following from old rent-books :—

No. 6, Berners Street, was the residence of the notorious Henry Fauntleroy, the banker, whose forgeries on the Bank of England exceeded £360,000.

No. 13, Berners Street, was the residence of Sir William Chambers from 1774 to 1786, and he also held the leases of Nos. 15, 19, and 55, Berners Street. He was the architect of Somerset House in the Strand, and of numerous other noblemen's mansions, and was the author of "The Decorative Part of Civil Architecture."

The same house was later the residence of Henry Fuseli, the painter, who was appointed professor of painting at the Royal Academy in 1801. Among his works are "Jason appearing before Pelias" and "Titania and Bottom."

No. 24, Berners Street, was the residence from 1773 to 1784 of General Sir Eyre Coote. He entered the army at an early age and

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sailed for India in 1754, where he took part in the expedition to punish Surajah Dowlah for the "Black Hole of Calcutta" atrocity. He took an active part in the Battle of Plassey, and commanded the land attack on Pondicherry, the success of which completed the destruction of the land power of France in India.

No. 48, Berners Street, was the residence from 1780 to 1782 of Lord Westcote. He was M.P. for Bewdley, and was made an Irish peer. In 1794 he was raised to the English peerage as the first Baron Lyttelton.

No. 70, Berners Street, was the residence of Samuel Taylor Coleridge, the poet and essayist. He lived here with his friends the Morgans from 1812 to 1816.

No. 14, Newman Street, was the residence for many years of Benjamin West, the painter. He was born in Pennsylvania in 1738. After a visit to Italy he came to England in 1763. Among his celebrated pictures are "Pylades and Orestes," "Agrippina landing at Brundisium with the Ashes of Germanicus," and "The

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Death of Wolfe." The latter was the first picture in which a modern battle was represented with the soldiers in modern costume. Sir Joshua Reynolds tried to persuade West to clothe his warriors in Greek and Roman armour, but he refused. James Barry, the painter—who, by the way, lived in Castle Street, a few doors west of the Berners Estate—protested vehemently and painted another picture with the same title with all the figures nude! West died in 1820.

No. 17, Newman Street, was the residence of John Bacon, the sculptor, from 1764 to 1799. A bust of Pitt by him is in Westminster Abbey and one of Dr. Johnson in St. Paul's.

No. 28, Newman Street, was the residence of Thomas Stothard, the painter and book illustrator. He became an R.A. in 1794, made the selected design for the Wellington Shield, and illustrated "The Pilgrim's Progress," "Robinson Crusoe," "Don Quixote," and "The Arabian Nights."

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No. 7, Charles Street—now No. 6, Mortimer Street—was the residence of Francis Milner Newton, R.A., who was instrumental in founding the Royal Academy. When the Academy was housed in Somerset House he was given rooms there. This was in 1784, and when he relinquished the house it was taken by the eccentric sculptor, Joseph Nollekens. He was born in 1737, the son of an emigrant from Antwerp, and became an R.A. in 1772. His works comprise busts of George III, Gibbon, Fox, and Wellington. Many stories are told of his penurious habits.

No. 5, Suffolk Street—now Nassau Street—was the residence from 1773 to 1785 of Admiral Pye. He entered the Navy in 1734, was made Commander-in-Chief at Plymouth in 1762; became Vice-Admiral of the Blue Squadron and was subsequently knighted.

No. 7, Mortimer Street, was the residence for some years of Mrs. Anna Jameson, the authoress. She was born in 1794 and travelled in Germany and America. Among her works

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may be mentioned "The Loves of the Poets" and "Sacred and Legendary Art."

Many houses on the Estate were in the occupation of French refugees, such names as Lemaitre, Aveline, Leroux, Villenau, and Renaud appearing in the rent-books of the latter half of the eighteenth century. Since the middle of last century the private residences have disappeared; much rebuilding has taken place, and the Estate is now almost entirely given up to business premises, with two large hotels.

Such is the short history of the Berners Estate, only a very small fraction of this great metropolis; but the record seems to me worth preserving, as a little cameo cut out of English History. First we see it as a farm-house and pasture-land, the property of one of the great mediæval semi-religious bodies; at the dissolution given by the great iconoclast Henry VIII to one of his favourites; then for two centuries continuing as a small private property; rapidly developing as a residential estate up to the

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middle of the nineteenth century, and since then, with the inevitable drift westwards of social life, becoming a great business centre. What will be its future history? He would be a bold man who should venture to predict the condition of the Estate at the termination of the lease held by the Middlesex Hospital, which runs to A.D. 2753.